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|--------------------|--|-------------------------|--|
| Police Report No: | | Superior Court Case No: | |
| Defendant's name: | | Date of Birth: | |
| Prosecutor's name: | | Telephone: | |
| Officer's name: | | Telephone: | |

Jeff Rosen
 Santa Clara County District Attorney
THE VICTIMS' BILL OF RIGHTS ACT OF 2008
Marsy's Card and Resources
 To provide victims with rights to justice and due process



On November 4, 2008, the People of the State of California approved Proposition 9, the Victims' Bill of Rights Act of 2008: Marsy's Law. This measure amended the California Constitution to provide additional rights to victims. This card contains specific sections of the Victims' Bill of Rights and resources. Crime victims may obtain additional information regarding Marsy's Law and Local Victim Witness Assistance Center information by contacting the Attorney General's Victim Services Unit at 1-877-433-9069.

A 'victim' is defined under the California Constitution as "a person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of a crime or delinquent act. The term 'victim' also includes the person's spouse, parents, children, siblings, or guardian, and includes a lawful representative of a crime victim who is deceased, a minor, or physically or psychologically incapacitated. The term 'victim' does not include a person in custody for an offense, the accused, or a person whom the court finds would not act in the best interests of a minor victim." (Cal.Const., art. 1 § 28(e))

Local Resources

Santa Clara County Victim Witness Assistance Center

(408) 295-2656 The Center provides assistance to victims for: crisis intervention, emergency assistance, resource and referrals, follow-up and case status/disposition, application for the Victim Compensation Program, property return, court support/escort and restitution.

Santa Clara County District Attorney's Office, Main Branch Office

(408) 299-7400 www.santaclara-da.org Victims' Rights and Prop 9 Report

Santa Clara County District Attorney's Office, Palo Alto Branch Office

(650) 324-6400 The Palo Alto Branch Office prosecutes most crimes that occur in Palo Alto, Mountain View, Los Altos, Los Altos Hills and Stanford.

Santa Clara County District Attorney's Office, South County Branch Office

(408) 201-0530 The South County Branch Office prosecutes most crimes in San Martin, Gilroy and Morgan Hill.

Santa Clara County Department of Corrections – Main Jail

(800) 464-3568 www.vinelink.com Inmate release information

Santa Clara County Probation Dept.

(408) 278-5850 Juvenile Detention Division

(408) 435-2000 Adult Services Division

Calif. Dept of Corrections & Rehabilitation

(877) 256-6877 www.cdcr.ca.gov

State prison inmate custody, release, escape and death information; notice of parole procedures

Santa Clara County Superior Court

(408) 808-6600 www.sccourt.org

Information on the criminal justice system

Family Violence Center

(408) 277-3700 www.sjpd.org

San Jose Police Department website provides information relating to domestic violence, child and elder abuse, and other family-related abuse issues.

General Referrals

Call 211 for information and referrals on a variety of services available in the county, multiple languages.

Victim Compensation and Government Claims Board

(800) 777-9229 www.vcgcb.ca.gov The Victim Compensation Program (VCP) can help pay un-reimbursed expenses that result when a violent crime occurs. Victims of crime who have been injured or have been threatened with injury may be eligible for help from the VCP. The VCP may assist with the cost of medical and dental treatment, mental health services, funeral and burial expenses, home security, residential crime scene cleanup and emergency relocation.

Victims' Bill of Rights
"Marsy's Rights"

California Constitution, Article I, Section 28(b)

In order to preserve and protect a victim's rights to justice and due process, a victim shall be entitled to the following rights:

1. To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.
2. To be reasonably protected from the defendant and persons acting on behalf of the defendant.
3. To have the safety of the victim and the victim's family considered in fixing the amount of bail and release conditions for the defendant.
4. To prevent the disclosure of confidential information or records to the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, which could be used to locate or harass the victim or the victim's family or which disclose confidential communications made in the course of medical or counseling treatment, or which are otherwise privileged or confidential by law.
5. To refuse an interview, deposition, or discovery request by the defendant, the defendant's attorney, or any other person acting on behalf of the defendant, and to set reasonable conditions on the conduct of any such interview to which the victim consents.
6. To reasonable notice of an to reasonably confer with the prosecuting agency, upon request, regarding, the arrest of the defendant if known by the prosecutor, the charges filed, the determination whether to extradite the defendant, and, upon request, to be notified of and informed before any pretrial disposition of the case.
7. To reasonable notice of all public proceedings, including delinquency proceedings, upon request, at which the defendant and the prosecutor are entitled to be present and of all parole or other post-conviction release proceedings, and to be present at all such proceedings.
8. To be heard, upon request, at any proceeding, including any delinquency proceeding, involving a post-arrest release decision, plea, sentencing, post-conviction release decision, or any proceeding in which a right of the victim is at issue.
9. To a speedy trial and a prompt and final conclusion of the case and any related post-judgment proceedings.

10. To provide information to a probation department official conducting a pre-sentence investigation concerning the impact of the offense on the victim and the victim's family and any sentencing recommendations before the sentencing of the defendant.
11. To receive, upon request, the pre-sentence report when available to the defendant, except for those portions made confidential by law.
12. To be informed, upon request, of the conviction, sentence, place and time of incarceration, or other disposition of the defendant, the scheduled release date of the defendant, and the release of or the escape by the defendant from custody.
13. To restitution.
 - A. It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.
 - B. Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.
 - C. All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.
14. To the prompt return of property when no longer needed as evidence.
15. To be informed of all parole procedures, to participate in the parole process, to provide information to the parole authority to be considered before the parole of the offender, and to be notified, upon request, of the parole or other release of the offender.
16. To have the safety of the victim, the victim's family, and the general public considered before any parole or other post-judgment release decision is made.
17. To be informed of the rights enumerated in paragraphs (1) through (16).

A victim, the retained attorney of a victim, a lawful representative of the victim, or the prosecuting attorney upon request of the victim, may enforce the above rights in any trial or appellate court with jurisdiction over the case as a matter of right. The court shall act promptly on such a request.

(Cal. Const., art. 1, § 28(c)(1))